IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13338 of 2005

Between:

Vaitla Rama Mohan Rao S/o. Venkat Rao,
R/o. Moyyeru Village, Ganapavaram Mandal, West Godavari District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Eluru, West Godavari District.
2 The Mandal Revenue Officer, Ganapavaram Mandal, West Godavari District.
3 The Executive Engineer, Irrigation Godavari Western Division,
Nidadavolu, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, Order or direction, more particularly one in the nature of Writ of Mandamus, directing the respondents not to make any constructions preventing the flow of water for utilization of the lands situated on the western side of the Tallapalem Channel, in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.N.VENKATARAYUDU

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:-

This writ petition is filed to direct the respondents not to make any constructions preventing the flow of water for utilization of the lands situated on the western side of the Tallapalem Channel.

It is stated in the affidavit filed in support of the writ petition that in recent times the Irrigation authorities and the Revenue authorities are planning to raise constructions in the Tallapalem Channel, thereby closing the utility of the water from the said channel for the lands situated on the western side of the4 said channel. The petitioner also requested the authorities not to make any construction, thereby preventing the utilization of the channel water for the lands on the western side mainly belonging to him and his relatives. It is further stated that the petitioner and his relatives are having lands in S.Nos. 25/2, 27/1, 25/3, 27/2 and 28/3 situate at Venkatarajapuram village, Ganapavaram Mandal, West Godavari District.

Taking into consideration the facts and circumstances of the case and hearing the arguments on either side, I am of the view that it is the paramount duty of the Government to regularize the supply of water in the channel by maintaining the level of the water. Therefore, this Court cannot entertain this writ petition.

Accordingly, this writ petition is dismissed at the admission stage. If the petitioner is so aggrieved, he can approach the Civil Court and sought appropriate relief.

Stv/- 22-06-2005.

To

1 The Revenue Divisional Officer, Eluru, West Godavari District.
2 The Mandal Revenue Officer, Ganapavaram Mandal, West Godavari District.
3 The Executive Engineer, Irrigation Godavari Western Division,
Nidadavolu, West Godavari District.

4. Two C.Cs. to G.P. for Revenue, High Court of A.P., Hyd. (OUT)

5. Two C.D. Copies.